

REMARKS

Claims 20, 27-29 and 35-38 have been amended to clarify the invention. No new matter has been entered by any of the foregoing amendments.

Turning to the art rejections, and considering first the rejection of claims 20-34 under 35 USC §102 (b) as being anticipated by US Patent No. 5,404,580 to Simpson et al., claim 20 requires, in part, "a collection mechanism for communicating with said mobile communication terminal to collect information from the mobile communication terminal relating to an internal state of said mobile communication terminal." The Examiner indicates in the Office Action that Simpson's keypad interface constitutes the claimed collection mechanism. A keypad and its interface are input devices. A keypad interface cannot function to collect information from a communication terminal as required by Applicant's claims. Further, claim 20 requires that the information is information that occurs "during execution of a communication protocol sequence." (See also page 17, lines 13-16 of the specification). The customizable personal preferences of Simpson do not qualify as internal state information as defined by the Applicant. Col. 6, lines 48-68 and col. 7, lines 1 and 2 of Simpson fail to disclose collecting information from the mobile communication terminal relating to the the internal operation states that occur in the process of the communication protocol sequence of the mobile communication terminal. Thus, Simpson fails to disclose every element of claim 20. Therefore, claim 20 and the several claims dependent thereon cannot be said to be anticipated by Simpson et al.

With regard specifically to the rejection of claim 27, claim 27 requires "an acquisition mechanism for acquiring information from the mobile communication terminal relating to an

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internal state of said mobile communication terminal during execution of a communication protocol sequence." The Examiner indicates in the Office Action that Simpson's keypad constitutes the claimed acquisition mechanism. As noted supra, a keypad is an input device. A keypad cannot function to acquire information from a communication terminal. Further, page 17 of the application, at lines 13-16, and claim 27 specifies the internal state information is "an internal state... [that occurs] during execution of a communication protocol sequence." The customizable personal preferences of Simpson do not qualify as internal state information as defined by the Applicant. Col. 6, lines 48-68 and col. 7, lines 1 and 2 of Simpson fail to disclose acquiring information from the mobile communication terminal relating to the internal operation states that occur in the process of the communication protocol sequence of the mobile communication terminal. Thus, Simpson fails to disclose every element of the claim 27. Thus, claim 27 cannot be said to be anticipated by Simpson et al.

Claim 28 similarly requires "an acquisition mechanism for acquiring information from the mobile communication terminal relating to an internal state of said mobile communication terminal during execution of a communication protocol sequence," and "a collection mechanism for communicating with said mobile communication terminal to collect information from the mobile communication terminal relating to an internal state of said mobile communication terminal." As before, the Examiner indicates in the Office Action that a keypad of Simpson is the claimed output mechanism. As noted supra, a keypad is an input device, not an output mechanism. Furthermore, the customizable personal preferences of Simpson do not qualify as internal state information as defined by claim 28. Thus, claim 28 also cannot be said to be anticipated by Simpson.

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Similar comments apply to the rejection of claim 29. Further, with regard specifically to the collecting step, the Examiner has cited a passage that does not describe the element (reference number 122) the Examiner identifies as responsible for the collecting step. Further, page 17 of the application, at lines 13-16, indicates the internal state information is "the internal operation states that occur in the process of the communication protocol sequence during execution of a communication protocol." The customizable personal preferences of Simpson do not qualify as internal state information as defined by the Applicant. Thus Simpson also fails to disclose every element of the claimed invention, and rejection of claim 29 as anticipated by Simpson is in error.

Turning to the rejection of claims 35-38 under 35 USC §103 (a) as being unpatentable over Simpson in view of US Patent No. 6,697,604 to Rimpela et al., is also in error. Claims 35-38 are similar to claims 20 and 27-29, respectively. The deficiencies of Simpson vis-à-vis claims 20 and 27-29 are discussed above. The secondary reference Rimpela, does not supply the missing teaching to Simpson. Thus, no combination of Simpson and Rimpela would achieve or render obvious claims 35-38.

Claims 21-26 and 30-34 depend directly or indirectly from claim 20 or claim 29, and are allowable for the same reasons above adduced relative to claim 20 or claim 29, as the case may be, or for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

Form PTO-2038 authorizing credit card payment in the amount of \$810.00 to cover the cost of the Request for Continued Examination accompanies this Amendment.

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In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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